HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15716 OF 2005

DATED: 26.12.2005

Between:

M/s. Hindustan Antibiotics Limited

… Petitioner

and

D. Krishna Mohan and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15716 OF 2005

ORDER:

The Hindustan Antibiotics is again before this court in respect of a dispute it has with the 1st respondent. Now what is assailed is an order dated 21.6.2005 of the 2nd appellate authority under the A.P. Shops and Establishment Act, 1988 (for short 'the Act') and Deputy Commissioner of Labour Court, Guntur, directing the petitioners to deposit in all, an amount of Rs.31,93,660-80 ps towards the full back wages and attendant benefits due and payable to the 1st respondent-medical representative in the appeal filed by the writ petitioner against the order of the 1st appellate authority dated 22.4.1998.

The 1st respondent was terminated from service by the writ petitioner-management assailing which after an interminable and meandering course of litigation, the 1st respondent eventually filed an application for relief under the Act. The 1st appellate authority under the Act found the termination illegal and directed the reinstatement of the 1st respondent herein to duty with full back wages and attendant benefits, whereagainst the second appeal was filed by the writ petitioner in which the order impugned came to be passed.

The 2nd appellate authority accepted the computation of back wages and attendant benefits submitted by the 1st respondent-workman and arrived at the figure of Rs.31,93,660.80 ps. The essential dispute on this aspect is as to whether the workman/medical representative was entitled to the several revisions claimed by him in the scale of pay from the date of his termination in the year 1979 till the date of his deemed superannuation. The 1st respondent claims several revisions of pay. The Management demurs and contends that there were only two revisions of pay and its computation is on that basis. It is this dispute that is overshadowed the substantive dispute between the parties. Such litigative trivia are not be encouraged. Eventually, the substantive grievance between the petitioner and the 1st respondent with regard to the validity of the termination of the 1st respondent from the service of

the petitioner will have to be adjudicated. It is not the case of the 1st respondent that the writ petitioner-management is presently in a financial crisis or would be shortly.

In the aforesaid view of the matter, the writ petition is disposed of directing the writ petitioner to deposit in all, an amount of Rs.3,50,000/- after taking credit for the amount of Rs.2,54,240/- already deposited. The remaining amount of Rs.95,760/- (Rupees ninety five thousand seven hundred and sixty only) shall be deposited by the writ petitioner to the credit of S.A.No.2 of 2005 pending before the 2nd respondent herein. Such deposit shall be made within a period of 2 weeks from today and in default the writ petitioner shall be liable to deposit the entire amount as directed in the order dated 21.6.2005 of the 2nd respondent. On such deposit by the writ petitioner as ordained above and within the time stipulated, the 2nd respondent shall take up and adjudicate upon the Second Appeal expeditiously and conclude and pass judgment, in any event, within a period of 2 months from the date of receipt of a copy of this order. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 26.12.2005

Note: CC in three days.

BO. CVM